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NOTICE OF ALLOWANCE AND FEE(S) DUE

23696 7590 12/04/2008

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER	
LY, ANH VU H	
ART UNIT	PAPER NUMBER
2416	

DATE MAILED: 12/04/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,401	02/14/2000	Ramin Rezaiifar	PA451DIV2	6558

TITLE OF INVENTION: CHANNEL STRUCTURE FOR COMMUNICATION SYSTEMS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$0	$0	$1510	03/04/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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SAN DIEGO, CA 92121

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,401	02/14/2000	Ramin Rezaiifar	PA451DIV2	6558

TITLE OF INVENTION: CHANNEL STRUCTURE FOR COMMUNICATION SYSTEMS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$0	$0	$1510	03/04/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
LY, ANH VU H	2416	370-349000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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2416	

DATE MAILED: 12/04/2008

Determination of Patent Term Extension under 35 U.S.C. 154 (b)
(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	09/503,401	REZAIIFAR ET AL.	
	Examiner	Art Unit	
	ANH-VU H. LY	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *amendment filed August 21, 2008*.

2. ☒ The allowed claim(s) is/are *1, 4, 6-10, 12-17, 19-35 renumbered as 1-30*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 4/30/08
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kenyon S. Jenckes (Registration No. 41,873) on November 20, 2008.

The application has been amended as follows:

In The Claims

1. (Currently Amended) A method for transmitting data comprising the steps of:

transmitting, prior to and independent of said data transmission, a message indicative of the rate of said data and a time interval over which said data will be transmitted at said rate; and

transmitting said data at said rate during said time interval using a data transmission channel;

wherein said message comprises:

an indication of a frame type selected from a plurality of frame types including link schedule, channel active set, and erasure-indicator bit, wherein each of each of these frame types is transmitted at some time;

an indication of said rate of said data; and

an indication of said time interval;

~~wherein said frame type indicates at least one of a link schedule, channel active set, and erasure-indicator-bit;~~

wherein said link schedule indicates the duration of said data transmission;

wherein said channel active set indicates a set of base stations; and

wherein said erasure-indicator-bit indicates an erasure of previously received frames.

4. (Currently Amended) An apparatus for transmitting comprising:

a transmitter for transmitting, prior to and independent of a data transmission, a message indicative of the rate of said data and a time interval over which said data will be transmitted at said rate;

a processor configured to form said message to include at least an indication of a frame type selected from a plurality of frame types including link schedule, channel active set, and erasure-indicator bit, wherein the transmitter transmits each of these frame types is transmitted at some time, an indication of said rate of said data; and an indication of said time interval;

~~wherein said frame type indicates at least one of link schedule, channel active set, and erasure-indicator-bit;~~

wherein said link schedule indicates the duration of said data transmission;

wherein said channel active set indicates a set of base stations; and,

wherein said erasure-indicator-bit indicates an erasure of previously received frames.

17. (Currently Amended) An apparatus for transmitting comprising:

a transmitting means for transmitting, prior to and independent of a data transmission, a message indicative of the rate of said data and a time interval over which said data will be transmitted at said rate;

a controller means configured to form said message to include at least an indication of a frame type selected from a plurality of frame types including link schedule, channel active set, and erasure-indicator bit, wherein the ~~transmitter~~ transmitting means transmits each of these frame types at some time, an indication of said rate of said data; and an indication of said time interval;

~~wherein said frame type indicates at least one of link schedule, channel active set, and erasure-indicator-bit;~~

wherein said link schedule indicates the duration of said data transmission;

wherein said channel active set indicates a set of base stations; and,

wherein said erasure-indicator-bit indicates an erasure of previously received frames.

24. (Currently Amended) A method for transmitting data comprising the steps of:

transmitting, prior to and independent of said data transmission, a message indicative of the rate of said data and a time interval over which said data will be transmitted at said rate;

transmitting said data at said rate during said time interval using a data transmission channel;

wherein said message comprises:

an indication of a frame type selected from a plurality of frame types including link schedule, channel active set, and erasure-indicator bit, wherein each of each of these frame types is transmitted at some time;

an indication of said rate of said data; and

an indication of said time interval;

~~wherein said frame type indicates at least one of a link schedule, channel active set, and erasure-indicator bit;~~ and,

wherein said link schedule is a forward link scheduling information contained in a 10 bit forward link schedule message comprising:

2 bits indicating that a frame is a forward link schedule message;

4 bits indicating an assigned forward link rate of said data channel; and

4 bits indicating the duration for which said data channel is assigned said forward link rate.

25. (Currently Amended) A method for transmitting data comprising the steps of:

transmitting, prior to and independent of said data transmission, a message indicative of the rate of said data and a time interval over which said data will be transmitted at said rate;

transmitting said data at said rate during said time interval using a data transmission channel;

wherein said message comprises:

an indication of a frame type selected from a plurality of frame types including link schedule, channel active set, and erasure-indicator bit, wherein each of each of these frame types is transmitted at some time;

an indication of said rate of said data; and

an indication of said time interval;

~~wherein said frame type indicates at least one of a link schedule, channel active set, and erasure-indicator bit;~~ and,

wherein said link schedule is a reverse link scheduling information contained in an 18 bit reverse link schedule message comprising:

2 bits indicating that a frame is a reverse link schedule message;

4 bits indicating a granted reverse link rate of said data channel; and

12 bits indicating the duration for which said data channel is granted said reverse link rate, wherein each subset of 4 bits represents a single carrier.

26. (Currently Amended) A method for transmitting data comprising the steps of:

transmitting, prior to and independent of said data transmission, a message indicative of the rate of said data and a time interval over which said data will be transmitted at said rate;

transmitting said data at said rate during said time interval using a data transmission channel;

wherein said message comprises:

an indication of a frame type selected from a plurality of frame types including link schedule, channel active set, and erasure-indicator bit, wherein each of each of these frame types is transmitted at some time;

an indication of said rate of said data; and

an indication of said time interval;

~~wherein said frame type indicates at least one of a link schedule, channel active set, and erasure-indicator bit;~~ and,

wherein said channel active set is contained in an 8 bit channel active set message comprising:

2 bits indicating that a frame is a channel active set message;

6 bits indicating base stations in the active set, wherein each bit represents a base station.

27. (Currently Amended) A method for transmitting data comprising the steps of:

transmitting, prior to and independent of said data transmission, a message indicative of the rate of said data and a time interval over which said data will be transmitted at said rate;

transmitting said data at said rate during said time interval using a data transmission channel;

wherein said message comprises:

an indication of a frame type selected from a plurality of frame types including link schedule, channel active set, and erasure-indicator bit, wherein each of each of these frame types is transmitted at some time;

an indication of said rate of said data; and

an indication of said time interval;

~~wherein said frame type indicates at least one of a link schedule, channel active set, and erasure-indicator-bit;~~ and,

wherein said erasure-indicator-bit is contained in an 5 bit erasure-indicator-bit message comprising:

2 bits indicating that a frame is an erasure-indicator-bit message;

1 bit indicating an erasure-indicator-bit for a fundamental data channel;

1 bit indicating an erasure-indicator-bit for a supplemental data channel; and,

1 bit indicating demodulation of said fundamental channel.

28. (Currently Amended) An apparatus for transmitting comprising:

a transmitter for transmitting, prior to and independent of a data transmission, a message indicative of the rate of said data and a time interval over which said data will be transmitted at said rate;

a processor configured to form said message to include at least an indication of a frame type selected from a plurality of frame types including link schedule, channel active set, and erasure-indicator bit, wherein the transmitter transmits each of these frame types at some time, an indication of said rate of said data; and an indication of said time interval;

~~wherein said frame type indicates at least one of a link schedule, channel active set, and erasure-indicator-bit;~~ and,

wherein said link schedule is a forward link scheduling information contained in a 10 bit forward link schedule message comprising:

2 bits indicating that a frame is a forward link schedule message;

4 bits indicating an assigned forward link rate of a data channel; and

4 bits indicating the duration for which said data channel is assigned said forward link rate.

29. (Currently Amended) An apparatus for transmitting comprising:

a transmitter for transmitting, prior to and independent of a data transmission, a message indicative of the rate of said data and a time interval over which said data will be transmitted at said rate;

a processor configured to form said message to include at least an indication of a frame type selected from a plurality of frame types including link schedule, channel active set, and erasure-indicator bit, wherein the transmitter transmits each of these frame types at some time, an indication of said rate of said data; and an indication of said time interval;

~~wherein said frame type indicates at least one of a link schedule, channel active set, and erasure-indicator bit;~~ and,

wherein said link schedule is a reverse link scheduling information contained in an 18 bit reverse link schedule message comprising:

2 bits indicating that a frame is a reverse link schedule message;

4 bits indicating a granted reverse link rate of a data channel; and

12 bits indicating the duration for which said data channel is granted said reverse link rate, wherein each subset of 4 bits represents a single carrier.

30. (Currently Amended) An apparatus for transmitting comprising:

a transmitter for transmitting, prior to and independent of a data transmission, a message indicative of the rate of said data and a time interval over which said data will be transmitted at said rate;

a processor configured to form said message to include at least an indication of a frame type selected from a plurality of frame types including link schedule, channel active set, and erasure-indicator bit, wherein the transmitter transmits each of these frame types at some time, an indication of said rate of said data; and an indication of said time interval;

~~wherein said frame type indicates at least one of a link schedule, channel active set, and erasure-indicator bit;~~ and,

wherein said channel active set is contained in an 8 bit channel active set message comprising:

2 bits indicating that a frame is a channel active set message; and,

6 bits indicating base stations in the active set, wherein each bit represents a base station.

31. (Currently Amended) An apparatus for transmitting comprising:

a transmitter for transmitting, prior to and independent of a data transmission, a message indicative of the rate of said data and a time interval over which said data will be transmitted at said rate;

a processor configured to form said message to include at least an indication of a frame type selected from a plurality of frame types including link schedule, channel active set, and erasure-indicator bit, wherein the transmitter transmits each of these frame types at some time, an indication of said rate of said data; and an indication of said time interval;

~~wherein said frame type indicates at least one of a link schedule, channel active set, and erasure-indicator bit;~~ and,

wherein said erasure-indicator-bit is contained in an 5 bit erasure-indicator-bit message comprising:

2 bits indicating that a frame is an erasure-indicator-bit message;

1 bit indicating an erasure-indicator-bit for a fundamental data channel;

1 bit indicating an erasure-indicator-bit for a supplemental data channel; and,

1 bit indicating demodulation of said fundamental channel.

32. (Currently Amended) An apparatus for transmitting comprising:

a transmitting means for transmitting, prior to and independent of a data transmission, a message indicative of the rate of said data and a time interval over which said data will be transmitted at said rate;

a processor configured to form said message to include at least an indication of a frame type selected from a plurality of frame types including link schedule, channel active set, and

erasure-indicator bit, wherein the transmitter transmits each of these frame types at some time, an indication of said rate of said data; and an indication of said time interval;

~~wherein said frame type indicates at least one of a link schedule, channel active set, and erasure-indicator bit;~~ and,

wherein said link schedule is a forward link scheduling information contained in a 10 bit forward link schedule message comprising:

2 bits indicating that a frame is a forward link schedule message;

4 bits indicating an assigned forward link rate of a data channel; and

4 bits indicating the duration for which said data channel is assigned said forward link rate.

33. (Currently Amended) An apparatus for transmitting comprising:

a transmitting means for transmitting, prior to and independent of a data transmission, a message indicative of the rate of said data and a time interval over which said data will be transmitted at said rate;

a processor configured to form said message to include at least an indication of a frame type selected from a plurality of frame types including link schedule, channel active set, and erasure-indicator bit, wherein the transmitter transmits each of these frame types at some time, an indication of said rate of said data; and an indication of said time interval;

~~wherein said frame type indicates at least one of a link schedule, channel active set, and erasure-indicator bit;~~ and,

wherein said link schedule is a reverse link scheduling information contained in an 18 bit reverse link schedule message comprising:

2 bits indicating that a frame is a reverse link schedule message;

4 bits indicating a granted reverse link rate of a data channel; and

12 bits indicating the duration for which said data channel is granted said reverse link rate, wherein each subset of 4 bits represents a single carrier.

34. (Currently Amended) An apparatus for transmitting comprising:

a transmitting means for transmitting, prior to and independent of a data transmission, a message indicative of the rate of said data and a time interval over which said data will be transmitted at said rate;

a processor configured to form said message to include at least an indication of a frame type selected from a plurality of frame types including link schedule, channel active set, and erasure-indicator bit, wherein the transmitter transmits each of these frame types at some time, an indication of said rate of said data; and an indication of said time interval;

~~wherein said frame type indicates at least one of a link schedule, channel active set, and erasure-indicator bit;~~ and,

wherein said channel active set is contained in an 8 bit channel active set message comprising:

2 bits indicating that a frame is a channel active set message; and,

6 bits indicating base stations in the active set, wherein each bit represents a base station.

35. (Currently Amended) An apparatus for transmitting comprising:

a transmitting means for transmitting, prior to and independent of a data transmission, a message indicative of the rate of said data and a time interval over which said data will be transmitted at said rate;

a processor configured to form said message to include at least an indication of a frame type selected from a plurality of frame types including link schedule, channel active set, and erasure-indicator bit, wherein the transmitter transmits each of these frame types at some time, an indication of said rate of said data; and an indication of said time interval;

~~wherein said frame type indicates at least one of a link schedule, channel active set, and erasure-indicator-bit;~~ and,

wherein said erasure-indicator-bit is contained in an 5 bit erasure-indicator-bit message comprising:

2 bits indicating that a frame is an erasure-indicator-bit message;

1 bit indicating an erasure-indicator-bit for a fundamental data channel;

1 bit indicating an erasure-indicator-bit for a supplemental data channel; and,

1 bit indicating demodulation of said fundamental channel.

Allowable Subject Matter

Claims 1, 4, 6-10, 12-17, 19-35 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or fairly suggest transmitting a message comprising a frame type selected from a plurality of frame types including link schedule, channel active set, erasure-indicator bit, the rate of a data transmission, and a time interval over which the data will be

transmitted at said rate, prior to and independent of a data transmission, as specified in independent claims 1, 4, 17, and 24-35.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH-VU H. LY whose telephone number is (571)272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anh-Vu H Ly/
Primary Examiner, Art Unit 2416